

“(11) TERRITORY.—The term ‘territory’ means—

- “(A) the Commonwealth of Puerto Rico;
- “(B) the United States Virgin Islands;
- “(C) Guam;
- “(D) the Commonwealth of the Northern Mariana Islands; or
- “(E) American Samoa.”.

**SEC. 4. EXTENSION OF AVAILABILITY OF CORONAVIRUS RELIEF FUND PAYMENTS TO TRIBAL GOVERNMENTS.**

Section 601(d)(3) of the Social Security Act (42 U.S.C. 801(d)(3)) is amended by inserting “(or, in the case of costs incurred by a Tribal government, during the period that begins on March 1, 2020, and ends on December 31, 2022)” before the period.

**SEC. 5. RESCISSION OF CORONAVIRUS RELIEF AND RECOVERY FUNDS DECLINED BY STATES, TERRITORIES, OR OTHER GOVERNMENTAL ENTITIES.**

Title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended by adding at the end the following new section:

**“SEC. 606. RESCISSION OF FUNDS DECLINED BY STATES, TERRITORIES, OR OTHER GOVERNMENTAL ENTITIES.**

“(a) RESCISSION.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), if a State, territory, or other governmental entity provides notice to the Secretary of the Treasury in the manner provided by the Secretary of the Treasury that the State, territory, or other governmental entity intends to decline all or a portion of the amounts that are to be awarded to the State, territory, or other governmental entity from funds appropriated under this title, an amount equal to the unaccepted amounts or portion of such amounts allocated by the Secretary of the Treasury as of the date of such notice that would have been awarded to the State, territory, or other governmental entity shall be rescinded from the applicable appropriation account.

“(2) EXCLUSION.—Paragraph (1) shall not apply with respect to funds that are to be paid to a State under section 603 for distribution to nonentitlement units of local government.

“(3) RULES OF CONSTRUCTION.—Paragraph (1) shall not be construed as—

“(A) preventing a sub-State governmental entity, including a nonentitlement unit of local government, from notifying the Secretary of the Treasury that the sub-State governmental entity intends to decline all or a portion of the amounts that a State may distribute to the entity from funds appropriated under this title; or

“(B) allowing a State to prohibit or otherwise prevent a sub-State governmental entity from providing such a notice.

“(b) USE FOR DEFICIT REDUCTION.—Amounts rescinded under subsection (a) shall be deposited in the general fund of the Treasury for the sole purpose of deficit reduction.

“(c) STATE OR OTHER GOVERNMENTAL ENTITY DEFINED.—In this section, the term ‘State, territory, or other governmental entity’ means any entity to which a payment may be made directly to the entity under this title other than a Tribal government, as defined in sections 601(g), 602(g), and 604(d), and an eligible Tribal government, as defined in section 605(f).”.

**MEASURES READ THE FIRST TIME, EN BLOC—S. 3005, S. 3006, S. 3007, S. 3008, S. 3009, AND S. 3010**

Mr. SCHUMER. Madam President, I understand there are 6 bills at the desk, and I ask for their reading, en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time, en bloc.

The senior assistant legislative clerk read as follows:

A bill (S. 3005) establishing appropriate thresholds for certain budget points of order in the Senate, and for other purposes.

A bill (S. 3006) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits for fiscal years 2022 through 2031.

A bill (S. 3007) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits.

A bill (S. 3008) to establish the Federal Rainy Day Fund to control emergency spending.

A bill (S. 3009) to amend title VI of the Social Security Act to remove the prohibition on States and territories against lowering their taxes.

A bill (S. 3010) to cap noninterest Federal spending as a percentage of potential GDP to right-size the Government, grow the economy, and balance the budget.

Mr. SCHUMER. Madam President, I now ask for a second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be read for the second time, en bloc, on the next legislative day.

**ORDERS FOR WEDNESDAY,  
OCTOBER 20, 2021**

Mr. SCHUMER. Madam President, now, finally, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. Wednesday, October 20; that following the prayer and pledge, the morning hour be deemed expired and the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Lhamon nomination; further, that if cloture is invoked on the Lhamon nomination, all postcloture time expire at 1:45 p.m., and that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

**ORDER OF BUSINESS**

Mr. SCHUMER. Madam President, for the information of Senators, the first rollcall vote of the day will begin at approximately 11 a.m.

**ORDER FOR ADJOURNMENT**

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order, following the remarks of Senators KING and PORTMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Maine.

**ELECTION SECURITY**

Mr. KING. Madam President, the United States of America is an anomaly in world history. We are a 245-year experiment in self-government, which is based upon an idea that was radical in 1776. It was tested at Gettysburg, Antietam, Shiloh, and the Wilderness. It was defended at Anzio, Iwo Jima, and Normandy, and was reaffirmed in 1965. It is an idea that the people—all the people—are the ultimate source of power and can govern themselves through their elected representatives. That was a radical notion in 1776.

The historical norm is just the opposite—kings; pharaohs; dictators; czars; warlords; emperors; and, more recently, presidents for life. Throughout most of human history, and right up to the present day, in most countries, the people have little or no say in the decisions that determine their fate. And these rulers are rarely, if ever, beneficent. In fact, again, the historical norm is just the opposite—pervasive corruption, the pursuit of power for its own sake, the crushing of dissent, sham elections, and the abuse or even elimination of anyone not sufficiently loyal or useful to the leader. That is the historical norm.

There is nothing surprising about this because it reflects human nature. History fairly shouts at us that power corrupts, and absolute power corrupts absolutely.

Given the consistent history of this experience—of warlords, dictators, czars, and the abuse of their authority—it is clear that what we are doing, this experiment, is fragile. It is not the norm. It is an anomaly. What we have and take for granted is in no way guaranteed. As has been the case for democratic experiments throughout history, it can fail. Rarely can it fail from external attack. Almost always, democratic experiments fail from erosion from within.

On the surface, our democratic system protects us by resting upon our ingenuous Constitution, the primary purpose of which is to establish an effective government while at the same time dividing and dispersing power, and in Madison's evocative phrase: Obliging the government to control itself.

And of all the safeguards built into the Constitution—and there are many; two Houses of Congress, vetoes, division of the war power, advise and consent, enumerated powers, Federalism, the Bill of Rights—of all of those protections, the most fundamental and essential is regular elections, the clearest expression of the people's will.

For most of my life, I have not really thought much about how elections actually work. You go to the town office or the school gym, they cross your name off on a list, hand you a ballot, and you go into a booth and make your

choice. You then put the marked ballot into a box or hand it to a clerk—usually it is a volunteer doing their civic duty in my hometown—and then they run it through a counter. Or you can get a mail-in ballot from your town clerk, mark it at home and send it in. Or in my town you can drop it in a drop box anytime of the night or day. It is out in the front of the town office.

That is it until later that night, when the results—either from automatic counters or from hand counting the ballots themselves—are announced, precinct by precinct, town by town, city by city, and State by State.

And then you go to bed, happy or unhappy, energized or discouraged, either reveling in the victory of your preferred candidates or determined to work harder next time. And thanks to the Framers, there always is a next time, usually in 2 years hence.

The next day, you go about your business trusting—trusting—that the system was operating according to the rules and that the announced vote count accurately reflects the preference of you and your fellow citizens. The key word is “trust.”

The miraculous result of this entire process is something we completely take for granted but is exceedingly rare—exceedingly rare—in human history: the peaceful transfer of power, whether it is the city council, the Congress, or the Presidency itself.

But two interrelated things are happening right now with regard to this system that are unprecedented in my lifetime and have caused me to worry as I never have before about the future of my country. These two things are profoundly dangerous to our fragile Republic.

One is the breakdown of trust in the system itself and the other is an overtly partisan attempt to use this loss of trust as a pretext to change the results of future elections by limiting the participation of voters deemed unworthy—although that is rarely said out loud—or unlikely to vote for your particular political party.

This discussion is usually framed in terms of election integrity—the prevention of widespread voter fraud—which it is argued is tainting the outcome of our elections.

Unfortunately, these so-called election integrity measures almost invariably end up limiting the participation of a substantial number of voters, many of whom have historically been denied the right to vote by one device or another for over 100 years. It is limiting that participation either as inadvertent collateral damage or, more likely, as stone-cold partisan voter suppression.

When I used to interact with the main legislature either as a private citizen for many years or as Governor, the inevitable first question from the chair of the committee was: What is the problem we are trying to solve here? You want to change the law; what is the problem we are trying to solve? In

this case, is the problem really voter fraud, or is it election results the party in power in a particular State doesn't like?

The implicit burden that this question puts upon those who would change a law is to demonstrate by some reasonable and credible evidence that there is a problem in the first place. And simply saying—or endlessly repeating—that there is a problem doesn't make it so. To put it another way, repeating a lie doesn't make it true.

Every objective study to try to detect widespread voter fraud in this country has failed to produce credible evidence of anything but scattered and vanishingly rare cases. I am not saying it doesn't exist, but they are scattered and vanishingly rare cases.

Even the overtly partisan so-called “audit” of the votes in Maricopa County, AZ, failed to find what they were so desperately looking for—failed to find what they were so desperately looking for.

The key question is not whether such fraud exists at all but whether it is so widespread as to change the results of an election involving a substantial number of voters.

In the wake of the 2016 election, the President convened a commission to assess this very question, but the commission was disbanded within 8 months with no published finding of significant election fraud whatsoever. That was their mission—to find fraud—and they couldn't find it.

Further, as I mentioned, I know of no objective study that has ever concluded that such widespread fraud exists anywhere in our country.

Even more compelling is that in spite of Herculean efforts by the former President and his supporters over the course of the months following the 2020 election, no credible evidence has yet been produced to support his allegations, and all of the allegations have been rejected by every court—more than 60. They have been rejected by every court that has considered it. The only fraud here is the allegations themselves.

In other words, not only is there no evidence of substantial fraud, what evidence there is reaches the opposite conclusion. But here is the problem; here is what is chilling. Fully, one-third of Americans and two-thirds of members of the Republican Party now believe that the 2020 Presidential election was not legitimate, that there was widespread fraud, and that the election was somehow stolen—not based upon evidence, because there isn't any, but based upon the repeated assertions of the former President and his supporters.

The problem with this goes well beyond the wave of voter suppression legislation that is sweeping the country. The deeper problem is the massive and unprecedented erosion of trust in the electoral system itself, the beating heart of our democracy. Of all the

depravations of the former President, this is by far the worst.

In relentlessly pursuing his narrow self-interest, he has grievously wounded democracy itself. And, by the way, I mean “narrow self-interest” quite literally. He doesn't give the slightest damn about any of us, about any of us in this body. He will cast any or all of us aside whenever it suits his needs of the moment. Everyone in this room knows this to be true.

The reason this is so destructive is that if you can't trust elections, what are your options? What are your options for making the transcendent decisions upon which our society is based?

One is to change the rules to discourage your perceived enemies from voting. Check—that is in the works.

Another is to change the rules to give partisan legislators the power to override election results they don't like. Check—also in the works.

Another is to contrive pseudo legal arguments to justify the corruption of the counting of electoral votes and then to pressure the Vice President, who presides over the counting of the electoral votes, to join in the scheme. Check—we now know this was very much in the works in the days leading up to January 6.

Or, finally, tragically, try to change the results if you don't trust elections through violence or threats of violence. Check—January 6 and death threats to election officials of both parties across the country.

January 6 was not a random day on the calendar. It was the day appointed by law to finalize the results of the November election. Many of those who came to Washington that day were not there to protest but were there with the explicit purpose of disrupting and stopping this crucial final step in our democratic process.

The rallying cry that day was not “protest the steal.” It was “stop the steal.” And that is exactly what was attempted in this room on January 6.

It is important to remember that most failures of democracy, as we look at history, started with legitimate elections. But once in office, the leader manipulated the electoral process to consolidate their hold on power, just as was attempted last winter. And once power is seized, the control and reach of the modern surveillance state is truly terrifying, truly terrifying. Ask the Uighurs in China or members of the opposition in Russia, if you can find any alive.

Russia, Turkey, Venezuela, and Hungary are all examples of the slide from democracy into authoritarianism that has happened just in our living memory, just in our lifetimes. This is not a theoretical threat. We have seen it already happen in our lifetimes. Those countries still have elections, but they don't mean much.

And what if the current wave of voter suppression legislation succeeds and keeps tens or hundreds of thousands of

people from voting in 2022 or 2024? Or what if in 2024 a partisan legislature in a swing State—and they are giving themselves this power right now—votes to override the election results in their State and send their own preferred set of electors to Washington? Then it won't just be Republicans who distrust elections, and we will be left with a downward spiral toward a hollow shell of democracy, where only raw power prevails and a peaceful transfer becomes a distant memory.

There has been a great deal of talk in recent weeks and months of a possible constitutional crisis in 2022 or 2024. We don't have to wait that long. We are in the midst of such a crisis right now. One of our great political parties has embraced the idea that our last election was fraudulent, that our current President is illegitimate, that they must move legislatures across the country to "fix" the results—to "fix" the results—of future elections.

Here is the part that I think is the most tragic. A substantial portion of our population has lost faith in our democratic system because they have been repeatedly told that something important was stolen from them, even though that is untrue. And that portion of our population seems prepared to accept some version of authoritarianism. All but the most extreme sources of information have been devalued, and violence bubbles just below the surface.

But it doesn't have to be this way. We in this body, perhaps more than anyone else in this country, have the power to change direction, to pull our country back from the brink, and to begin the work of restoring our democracy, as we did in the Revolution, as we did in the Civil War, and as we did in the civil rights struggles of 60 years ago—first, by simply telling the truth and then by enacting a set of basic protections of the sacred right to vote.

It won't be easy, and it will involve risk. I am aware of that. I understand that. It will be particularly difficult when we are asked to speak hard truths that many of our most ardent supporters don't want to hear. But the alternative is worse, worse even than losing your job in this body. The alternative is the loss of our identity as a people, the loss of the miracle of self-government, the loss of the idea of America.

I don't think it is an exaggeration to say that we are at a hinge of history, that circumstances have thrust us—those of us in this body—into a moment when the fate of the American experiment hangs in the balance.

We are the heirs and trustees—I emphasize "trustees"—of a tradition that goes back to Jefferson and Lincoln, to Webster, Madison, Margaret Chase Smith, and, yes, our friend John McCain. All of them were partisans in one way or another, but all shared an overriding commitment to the idea that animates the American experiment, the idea that our government is

of, by, and for the people—all the people.

Lincoln thought that the most important word in the Declaration of Independence was "all." "All men are created equal"—all, all the people.

Now is the moment that we are called upon to reach beyond our region, our State, our party, ourselves to save and reinvigorate the sputtering flame of the American idea.

Yes, democracy is an anomaly in world history. We have to remember that what we have is unusual. It is rare, and it is fragile. It rests upon the Constitution and laws, to be sure, but it also rests even more on the trust our people place in our democratic system and in us.

Deliberately undermining that trust for short-term political advantage, which is exactly what is happening right now—undermining that trust for political advantage in the short term is exactly what is happening right now—is a tragic and dangerous game.

No election, no endorsement, no Senate seat, no Presidency is worth it. Nothing is worth destroying what our forebears fought and died for—nothing.

Several weeks ago, a bipartisan group of us went to Gettysburg and walked the battlefield with two leaders from the Army War College. I have been there before but have never been so moved by the experience as I was on this trip. The stories of valor and supreme sacrifice—the 20th Maine on Little Round Top, you know that I would mention that; the 1st Minnesota at the exposed center of the Union line; the Iron Brigade on the first day; the colossal losses on both sides, unimaginable losses on both sides in a matter of 3 days—were a sobering reminder of what it took to preserve this country.

But we learned something else that day—that it was a near thing. If a Union officer named Strong Vincent had hesitated in moving those three regiments to the top of Little Round Top, or if an officer from Minnesota named William Colvill had hesitated in leading the 1st Minnesota on a suicidal charge—82-percent casualties, a suicidal charge—into the teeth of the Confederate advance, our country would have been lost. It was a near thing. It never had struck me so hard as it did at Gettysburg several weeks ago.

And so it is today—a near thing—only, the test is not on the battlefield, and no one here is being asked to give up their lives. We are simply being asked to tell the truth, to recommit to the ideal of democracy, to keep faith with our history and our inheritance. And if we hesitate, all could be lost. This is not speculation. All could be lost.

And we now know from the events of January 6 and the relentless attempts to subvert the results of the 2020 election in the last days of the prior administration, it was and still is a near thing.

That is what is so chilling and frightening. As it is in the old Protestant

hymn I remember from my youth, so it is today:

Once to every man and nation comes the moment to decide.

I believe that this is that moment for each of us. The concluding words of Lincoln in his message to Congress in the dark winter of 1862 have never been more apt. They are eerily applicable to us today. Here is what Abraham Lincoln said:

Fellow-citizens, we cannot escape history. We of this Congress and this administration, will be remembered in spite of ourselves. No personal significance, or insignificance, can spare one or another of us. The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation.

In honor or dishonor, to the latest generation. Indeed, destiny has placed us here at one of history's fateful moments. Our response to it will be our most important legacy. Of all the other things that we have done, this moment will be our most important legacy.

I believe we all know our responsibility. And whether we like it or not, history will record whether we—each one of us—meets that responsibility. Madam President, may God, working through each of us, save the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

#### THE ECONOMY

Mr. PORTMAN. Madam President, I am here on the floor this evening to talk about the troubling state of our economy today and what needs to be done to get it back on track. The Labor Department reported last week that the consumer price index, CPI, rose by 5.4 percent on an annualized basis. That accounts for the largest year-to-year inflationary increase in 13 years.

And we are feeling it. There is no question inflation is on the rise. We are paying more for everything—from groceries, to buying furniture, to cars, even pumpkins for Halloween. Yes, the U.S. Department of Agriculture just told us that pumpkins, year to year, are going to see an, on average, 15.7-percent increase in prices. So you might have to get a little smaller pumpkin this year.

And, of course, we are paying more at the pump, on average, a staggering 42-percent increase this year—42-percent increase. This is both because of increased demand but also because there is less supply as the new administration, the Biden administration, has put more regulations or handcuffs on American energy production.

And don't forget the higher heating bills, about 25 percent higher this year as compared to last year. Just as this cooler weather begins to come in, we are all going to be paying more on our utility bills, particularly for natural gas.

If all this isn't bad enough, workers' wages are not keeping up with these price spikes. I love to see wages going